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# THE ROYAL ART

WILLIAM JENNINGS BRYAN



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# *The Royal Art*

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By  
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## *The Royal Art*

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**G**OVERNMENT has been called "the royal art," although it is more often described as a science, but whether it be viewed as an art or as a science it occupies an increasing place in the thought of civilized man. The theoretical anarchist who talks of the time when each will be a law unto himself and when governments will be no more needed, takes but an incomplete view of the subject. Government may be divided into two parts, namely, that which is coercive and that which is cooperative. It is to be expected that the coercive part of government will diminish

with man's development. In every civilized community to-day but a small portion, and that constantly decreasing, needs to consider the "Thou shalt nots" of the criminal statutes. As the virtuous now restrain themselves, and would, even if there were no forbidding statutes, we may expect that, step by step as the world advances, the rigours of penal laws will be abated. We already look back with mingled amusement and wonder at the brutal penalties of a few centuries ago.

It must be remembered, however, that with the changing conditions new restrictions become necessary. The restraining power of government is now less employed in protecting the physically weak from the physically strong, and society as a whole from individual wrongs com-

mitted upon individuals by stealth, but there is increasing necessity for legislation which will protect the God-made man from injustice at the hands of the law-created person, known as a corporation. To understand the new responsibilities of government, one has only to compare the relatively small inequalities existing between men as compared with the larger inequalities existing between corporations, and between the corporation itself and the natural man.

Man was created by the Almighty as a part of a divine plan; the corporation was created by man for the purpose of making money. When God made man He did not make the tallest man much taller than the shortest or the strongest man much stronger than the weakest, but the corporate man has been made an

hundred or a thousand or even an hundred thousand times as strong as the natural man. A limit was put to the life of the individual, so that if he is a bad man he cannot be bad long; but a corporation is sometimes made perpetual (a thing, however, that ought never to be permitted). When God made man He warned him that in the next world he would be held accountable for the deeds done in the flesh; but the man-made corporation cannot be endowed with a soul—if it can avoid punishment here it need not worry about the hereafter.

Thus the corporation having a lower origin, greater strength, longer life and less moral restraint than the individual, needs a larger share of the government's attention; and this attention is imperatively required, for having taken from

man the club with which in early ages he defended himself, it owes it to him to protect man from every arm uplifted for his injury.

But while penal statutes wane, the scope of government is ever widening. The people find it economical, as well as otherwise helpful, to do together that which each individual could do alone only with greater difficulty and at greater cost. The Court of Justice is an advance over the wager of battle, and arbitration is less expensive than war. The public school is a collective system of education which gives to each parent a better and cheaper means of educating his children than that supplied by the private tutor of a few generations ago. After these have come the municipal water plant, public lighting and, in some cases, the public

heating plant. Tram lines and street cars are coming more and more to be public property, and in some countries the railroads have been taken over. The municipal tenement house, the municipal lodging house, the municipal laundry and the municipal what not—all indicate a constant trend towards increasing government as a coöperative system, and it has both an economic and a social foundation.

Generally speaking, there have been three forms of government, the monarchy, the aristocracy, and the democracy. Monarchies are, in turn, subdivided into unlimited and limited. There are few unlimited monarchies now outside of the savage tribes, and in limited monarchies new restrictions are being constantly thrown about the executive. No two

aristocracies are alike, so numerous are the degrees to be found in this kind of government, and among democracies some are more democratic than others. But as in monarchies the tendency is to increase the limitations upon power and as in aristocracies the tendency is towards an enlarging of the controlling class, so in democracies the tendency is ever towards more popular government.

In the school books we are told that the monarchy is defended on the ground that it is the strongest of governments, the aristocracy on the ground that it is the wisest, and the democracy on the ground that it is the most just. This recalls the discriminating language used by Plutarch in describing the views which men, in his opinion, entertained towards the gods, namely, that "they feared them for their

strength, admired them for their wisdom and loved them for their justice."

It seems hardly necessary to discuss the relative merits of these three forms of government since time, the final arbiter, fights on the side of a government in which the people rule. But it is worth while to quote the reply made by the great historian, Bancroft, to the argument used in the support of monarchies. He said that the republic was in fact the strongest of governments because, discarding the implements of terror, it dared to build its citadel in the hearts of men.

The theory that an aristocracy is the wisest of governments is capable of being answered in two ways: first, that "everybody knows more than anybody"—the wisdom of all the people being



greater than the wisdom of any part; and, second, by the fact that wisdom is not the only requisite in government, or even the most important element, for the wisdom that directs a government is seldom if ever entirely separated from a selfish interest that may pervert the judgment. As justice is more important than strength—is in fact the only basis of lasting strength—and is a higher quality than wisdom, superiority must be conceded to a democracy which can boast of being the most just government.

In a democracy—a government in which the people rule—acquiescence in the decision of the people, fairly expressed at the polls, is the first law. This does not mean that the majority is always right. No intelligent advocate of a democracy would contend for this, al-

though Bancroft declares that the expression of the universal conscience is the nearest approach on earth to the voice of God. The phrase "the people have a right to do wrong" is apt to shock one until he inquires before what tribunal the people can be convicted of doing wrong. It is more accurate to say that the people have a right to make their own mistakes and that no selected few have a God-given right to make mistakes for the rest of the people.

The doctrine that "The King can do no wrong" is a legal presumption, adopted for convenience, and more apt to be accepted by the ruler than by his subjects. Aristocracies, too, are liable to mistakes; it has cost a great deal to correct the mistakes that the few have found it profitable to make against the

many. In democracies mistakes are least apt to be made because it never pays the people to make mistakes. Then, too, mistakes made by the people are more willingly borne by them and are more quickly corrected.

Faith in popular government is not inconsistent with the demand for deliberate action. Man excited is quite a different creature from man when he is calm. The appeal "from Philip drunk to Philip sober" is not an unreasonable one. Written constitutions have a double purpose—they limit the power of representatives—they are time locks placed upon the public will by the people themselves to insure deliberate action. But the demand for deliberation must not be confused with the denial of capacity.

The capacity for self-government must be *assumed*, first because there is no impartial tribunal before which the case can be tried, if contested, and, second, because, as Clay declared, it would be a reflection on the Almighty to say that He created people incapable of self-government and then left them helpless, the victims of despotic power. The average capacity of one nation for self-government will differ from the average capacity of another, just as individuals differ in their capacity for self-restraint; but to assert total incapacity in any people is to deny a fundamental doctrine, namely, that governments derive their just powers from the consent of the governed.

Constitutions are a tribute to the intelligence of the masses. They are usually adopted by popular vote and can

only be changed by the consent of the people, and that, too, after there has been time for a calm and thoughtful consideration of the proposed amendment. They are a protection, too, against usurpation of power if those who are chosen by the people forget their obligations or attempt to enlarge upon their authority.

The later constitutions are more easily amendable than the earlier ones. The federal constitution is possibly the farthest out of date of any of our American constitutions, in that it requires a two-thirds vote of both houses to submit an amendment and its ratification by three-fourths of the states. This provision of the constitution, however, gives to the minority such an indefensible advantage that the constitution is quite certain to

be amended so that it can be made more quickly responsive to the wishes of the people. There is no good reason why the conservative forces of the nation should be able to prevent a change in the constitution so long as they can control more than one-third of either body or more than one-fourth of the states.

The doctrine that all people are capable of self-government does not mean that there is or can be absolute equality of influence among those who vote. No legislation could, if it would, destroy the influence which the intelligent, the virtuous and the upright exert over their fellows, but among individuals the deference paid to those of superior merit is a voluntary deference. There may be cases, however, where distinctions are not only made by law but are justified.

Where, for instance, two groups of people are thrown together and must of necessity live under the same government, the question is not whether the members of each group are capable of self-government, but which group should control the government under which both shall live?

If the line between the two is one distinctly marked, so that bias or prejudice rather than intelligence controls political action, those who represent the superior civilization always have and always will exercise a dominating influence; any other result would be decadence rather than progress. In that case the less advanced are themselves better off under laws made by the more advanced, for they have the advantage of living under laws which the more advanced make for

themselves. This, however, is a very different system from that which prevails in a colony, for colonists live under laws written for them by people in another land *who are not themselves compelled to obey them.*

The theory upon which our government is founded, namely, that it is an indissoluble union of indestructible states, is applicable to any country however large and to any people however numerous. The subdivision of the government into a number of units, each unit independent in its local affairs, has two advantages: first, it assures the maximum of intelligence and interest among those who decide the questions presented, and, second, it relieves the central government of congestion and thus permits a more careful consideration of



the questions which are national. It would be impossible for the people of each community to so inform themselves as to abuses in other communities as to be able to act intelligently in proposing remedies, and they would lack, too, that vital interest in the application of remedies which is necessary to insure prompt and effective action. No one can read the increasing number of bills introduced in Congress without recognizing how impossible it would be to add to the work of Congress the work of forty-eight state legislatures.

The argument, therefore, in favour of a scrupulous regard for the right of each state to deal with matters which are local, rests upon a foundation which will be strengthened rather than weakened with the growth of our country.

The division of the powers of government into three departments—executive, legislative and judicial—is sound in principle and has been found to work successfully. Justice is impossible if the same person legislates, construes and enforces.

The legislative department of the government is usually the closest to the people. In most of our states, and in almost all other countries, the legislative authority is conferred upon two bodies jointly, the concurrence of both being necessary. In most countries one branch is representative, being chosen more or less directly by the people themselves. The aristocratic branch of the legislature is generally called the "upper house," a phrase which originated in the time when rights were conceded by the throne to

the people. This aristocratic tendency manifests itself sometimes in the hereditary character of the body, sometimes in the greater length of the term, and sometimes in the restrictions placed upon the suffrage of those who elect the members of this body ; but they all indicate a lack of faith in the rank and file of the people.

Jefferson was an advocate of short terms, as well as of popular elections. He believed that short terms, requiring frequent return of the representative to the people, the source of power, to be conducive to fidelity. It is also a means of insuring more intimate acquaintance with his constituents and a more accurate knowledge of their needs.

The tendency of democracies towards more and more popular forms of govern-

ment has already been mentioned. Illustrations of this can be drawn from recent history. In Great Britain the House of Commons has within a few years compelled the House of Lords to surrender the veto power, it having been thought easier to force this surrender than to so change the character of the House of Lords as to bring it into harmony with the spirit of the times. In the United States this democratic tendency has recently manifested itself in the adoption of an amendment to the Constitution abolishing the election of senators by 'state legislatures and substituting election by direct vote. The democratic tendency is also shown by the change that is constantly going on under monarchical forms of government, whereby the ministry is selected by the dominant

party in parliament rather than by the executive.

There are two theories of representative government, namely, the aristocratic and democratic—in fact, these two points of view obtrude themselves no matter what phase of government we consider. The aristocratic theory is that the people are not capable of studying questions for themselves, and therefore select representatives to do their thinking for them; the democratic theory is that the people think for themselves and select representatives to give expression to the thoughts and wishes of the voters. The first theory is dangerous. Whenever a representative desires to put his own interests above the interests of his constituents or the wishes of a few above the rights of the many, he generally prefaces

a statement of his attitude with the declaration that he is not a "demagogue" and does not intend to be governed by the clamour of the "unthinking multitude." He sometimes boasts that he is too conscientious to do the things which his constituents desire.

It is worth noting that this sudden manifestation of an abnormal conscience comes after the election and the persons in whom it is noticeable are generally conscienceless in the promises that they make and in the means that they employ to secure an election. A conscience that hibernates during the campaign and only comes forth when the people are helpless to recall their suffrages,—such a conscience usually reaches the maximum of its sensitiveness when some vested wrong is about to be overthrown.

The conscience should influence a representative—it should do more than that, it should control. The representative, however, must not forget that his constituents have consciences also. He ought not to make pledges that he does not expect to fulfill, and if he does make a pledge without a proper understanding of the subject or afterwards decides that he cannot conscientiously carry out the pledge, he ought to be conscientious enough to resign and allow one to speak for the people who can conscientiously carry out what they conscientiously desire in the way of legislation.

Great progress has been made of late in the coercing of legislators into obedience to the popular will. The initiative and referendum, brought into this country from Switzerland, are being rapidly

adopted by the states, and are justifying their adoption. Under the initiative the people are enabled, through the right of petition, to compel the submission of any proposition upon which they wish to vote, the vote, when taken, having the same effect as the vote of the legislature. The referendum provides a means by which the people can, by petition, secure an opportunity to sit in judgment upon the actions of the legislature—a negative vote, when taken, nullifying the law passed.

Of the two, the initiative is by far the more important, because through it the people cannot only inaugurate legislation but can repeal legislation that has been enacted. The initiative cannot be used to prevent a law going into effect, but it can be used to secure a reconsidera-



tion of the law at an early period thereafter. The referendum, although it acts more quickly than the initiative upon an act passed by the legislature, cannot be used at all to initiate legislation. The two, however, usually go together, and, united, equip the people with means whereby they may prevent misrepresentation at the hands of those who are chosen to speak for them. They not only enable the people to guard themselves against the embezzlement of power, but, by rendering valueless the work of the lobbyist, remove to a large extent the temptations which turn representatives from the path of duty.

As the initiative can be used to secure changes in the constitution, as well as changes in the statute, it has the advantage of making the constitution more

easily amendable in states where it is adopted.

The executive department, which under the earlier forms of government was the most powerful, is being more and more restrained by limitations. The veto power, which was at first final, is now only partial—preventing the proposed legislation only under certain conditions. In most of our states the legislature can by a two-thirds vote override the veto ; in some cases the veto only compels a reconsideration, the legislature being able to override the veto by a majority, if in spite of the veto it desires to do so.

All of these constitutional limitations upon the various branches of government point in the same direction, namely, to an increase in the power of the people,

who are more and more regarded as the source of authority.

The judicial branch of the government is, as a rule, the least democratic, in that it is farthest removed from direct control. Some of our judges are appointed for life; others are elected for long terms, the object being to give independence of action. It must not be overlooked, however, that independence is only one of the elements to be considered, and it is still questionable whether any scheme devised for the separation of the public servant from the people whom he serves does not create more faults than it cures.

The assumption that a judge elected by the people and subject to retirement by them, will be swerved from his duty by public opinion, is a reflection upon the character of the judge. If a judge

measures up to the requirements of his high position he will not be driven from the performance of his duty by fear of defeat for reëlection, for he will prefer the consciousness of duty done to any compensation that reëlection could bestow. If, however, the judge has the faith that he ought to have in the sense of justice to be found in the human heart, he will not be afraid to allow the public to sit in judgment upon his conduct. Respect for the bench will not be increased by a distrust of the public on the part of those who, while anxious to remove judges from contact with the populace, are quite willing to surround them with a social environment which is more destructive of independence than any popular election can be.

The bias of the judge is an element

that cannot be ignored. The judge may be unconscious of the bias, and, if so, the bias is only the more dangerous, because he cannot fortify himself against it. The most fundamental bias is, as in other things affecting government, the bias for or against the mass of the people. The judge who views society as an organization in which the masses are dependent upon the classes for their prosperity and progress, is apt to lean towards those who are financially influential in society, whereas the judge whose sympathies are with the struggling masses just as naturally looks at legal controversies from their point of view. A judge without bias would be perfect, but he is an impossibility. Each voter is likely to express his preference in the matter of judges according to his own classifica-

tion of himself. If he is aristocratic, he will want an aristocrat for judge ; if he is democratic, he will want a judge who sympathizes with the common people.

Two of the most far-reaching subjects with which a government can have to deal are taxation and money. Taxation is always under consideration in every unit of the government from the city to the nation. There is no inexhaustible fund from which the government can draw for the payment of those who administer it. It is necessary that provision shall be made constantly for the collection of taxes. There are two general forms of taxation, the direct and the indirect. The direct form is much more easily scrutinized than the indirect and therefore inequality and injustice are less apt to creep into it, although even

in direct taxation great care must be taken that the law should be based upon sound doctrines and administered with impartiality.

In indirect taxation the amount is concealed and this system has been defended on the ground that by means of it the government can "get the most feathers off the goose with the least squawking." It seems such a reflection, however, upon any people to say either that they are unwilling to pay the taxes necessary for the proper administration of government, or that they enjoy the burglarizing of their pockets, that the advancement of the people may in a degree be measured by the preference which they show for the direct form of taxation in this country. If we can accept it as a just rule of taxation that each citizen should

contribute to the support of his government in proportion to the benefits which he enjoys through the protection of his government, it will be conceded that we make a nearer approach to justice in our local taxation than in the collection of our federal revenues. As taxes on consumption are collected more nearly in proportion to men's needs than in proportion to their possessions, they compel the poor man to pay more than his share and the rich man less than his share.

The income tax is not only more fair in principle than a tax upon consumptions, but, through the exemption which it contains, in a measure, equalizes the injustice done by the indirect forms of taxation, since those who escape the income tax are the very ones who pay more than their quota through indirect taxation.



The graduated rates, increasing with the size of the incomes, carry the approximation towards justice a little further because the larger the income the smaller is the percentage, as a rule, taken by the taxes upon consumption. The graded income tax invokes another principle of government, namely, that in the distribution of the burdens of the government, consideration should be given to the ability of citizens to contribute; and some have gone further still and defended it on the ground that it tends to discourage large incomes. The government would not, however, have to consider the question of discouraging large incomes if it would only avoid the granting of privileges and favours out of which abnormal incomes grow.

In considering money in its relation to

government two things are of paramount importance, first, that the quantity of standard money shall keep pace with population and business, and, second, that paper money shall be issued and controlled by the government. The quantitative theory of money is now established beyond controversy, the theory being that, other things being equal, prices will rise and fall with the volume of money. The proposition is so self-evident that it is hard to understand how it could have been disputed so recently by men well informed on other subjects.

The quantitative theory puts money upon the same basis as other commodities, the relation of supply and demand being the controlling factor in fixing prices wherever natural laws are free to operate. Where metallic money is used

the quantity is partly determined by production, partly by the use of the precious metal in the arts and partly by the legislation which determines the access of metals to the mints, which implies the giving of legal tender quality to the metal when coined.

The advocates of bimetallism employed in the defense of the two metals the academic argument that, as the production of the two metals does not increase or decrease exactly in the same proportion, the unit has greater stability when it rests upon both metals than when it rests on one metal alone, and also the practical argument that neither metal was to be found in sufficient quantity to make monometallism tolerable. An unexpected and unprecedented discovery of gold, however, has brought into use a quantity of

that metal without parallel in history, and thus secured to the world the advantages which bimetallists had hoped to bring through the restoration of silver.

The primary reason for the contention that the government should issue and control the paper money is that the volume of paper money, having a direct effect upon prices, that volume should be determined by representatives of all the people, acting in the open, rather than by representatives of banks, acting in the dark and for themselves. The issuing of money is not at all necessary to the existence of banks ; on the contrary, it is apt to divert them from the legitimate purpose of banking, which is to accommodate the community in which the bank is located. No people would knowingly authorize a bank to control the business

of a community ; it is not only acting beyond its powers but in conflict with the welfare of the public when it attempts to exert a controlling influence.

The object of legislation in the matter of banking is to secure to the communities the banking accommodations which they need, with protection from the power that wealth gives to those who possess it. Every advance made in the regulation of banks is intended to increase the security of the depositors. This is the purpose of bank inspection, of the law compelling the keeping of a certain reserve and of the law limiting the amount to be loaned to any one individual or corporation. This was also the purpose of the Postal Savings Bank Law as it now exists, and will be the purpose of the enlargements that are contemplated.

There is but one logical end to bank regulation, and that is the removal of every element of uncertainty so that money deposited in a bank can be drawn out at will. This is the most certain means of preventing panics.

While these subjects are always important there are many others that demand constant attention, but governmental questions are not difficult to comprehend when the controlling principles are mastered. Jefferson declared that "the art of government is the art of being honest" and he added that "the principles of right and wrong are so easily understood as to require not the aid of many counsellors."

The fundamental principles of popular government, as they affect the methods employed and the participation of the

people in them, may be set forth as follows :

1. The social ideal towards which the world is moving requires that human institutions shall approximate towards the divine measure of rewards and this can only be realized when each individual is able to draw from society a reward proportionate to his contribution to society.

2. The form of government which gives the best assurance of attaining to this ideal is the form in which the people rule—a government deriving its just powers from the consent of the governed.

3. The chief duty of governments, in so far as they are coercive, is to restrain those who would interfere with the inalienable rights of the individual, among which are the right to life, the right to liberty, the right to the pursuit of happi-

ness, and the right to worship God according to the dictates of one's conscience.

4. In so far as governments are cooperative, they approach perfection in proportion as they adjust with justice the joint burdens which it is necessary to impose and distribute with equity the incidental benefits which come from the disbursement of the money raised by taxation.

5. Competition is so necessary a force in business that public ownership is imperative wherever competition is impossible. A private monopoly is indefensible and intolerable.

6. "Absolute acquiescence in the decision of the majority" is, as Jefferson declares, "the vital principle of republics, from which is no appeal but to force, the



vital principle and immediate parent of despotism."

7. As acquiescence in the existence of a wrong is not to be expected, it is the duty of every citizen to assist in securing a free expression of the will of the people. No one can claim to be a good citizen who is indifferent.

8. The government being the people's business, it necessarily follows that its operations should be at all times open to the public view. Publicity is therefore as essential to honest administration as freedom of speech is to representative government. "Equal rights to all and special privileges to none" is the maxim which should control in all departments of government.

9. Each individual finds his greatest security in the intelligence and happiness

of his fellows—the welfare of each being the concern of all, and he should therefore exert himself to the utmost to improve conditions and to elevate the level upon which all stand.

10. While scrupulously careful to live up to his responsibilities, the citizen should never forget that the larger part of every human life is lived outside of the domain of government, and that he renders the largest service to others when he brings himself into harmony with the law of God, who has made service the measure of greatness.

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